



MEMORANDUM

DATE: July 8, 2009 for
July 23, 2009 Public Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM: 
Ernie Duarte
Director

SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & DEVELOPMENT
SERVICES DEPARTMENT REPORT
SE-09-11 Academy Del Sol, Inc. R-1 (Ward 1)

Issue – This is a request by Jason Riegert, Academy Del Sol, Inc., on behalf of the property owner, Eric Griffin, Hope United Methodist Church, to allow a charter school as a special exception land use in the R-1 zone. The special exception site is located on the west side of Santa Clara Avenue, north of Calle Aragon and within the southeast quadrant of I-19 and Valencia Road. (see Case Location Map). The preliminary development plan proposes to convert an existing preschool building into a charter school on the 5.4-acre church site. The conversion is being proposed for a building identified on the site plan as building #4.

Schools are permitted in the R-1 Zone, subject to the performance criteria in *LUC* 3.5.3.7. If the performance criteria cannot be met, the school use is subject to approval through the Zoning Examiner Special Exception Full Notice Procedure. A discussion of compliance with *LUC* Section 3.5.3.7 is included in this report.

Planning & Development Services Department Recommendation – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Church and preschool.

Surrounding Zones and Land Uses:

North: Zoned R-1; Single-family residence
South: Zoned R-1; Single-family residence
East: Zoned R-1; Single-family residence
West: Zoned R-1; Single-family residence

Previous Cases on the Property: None

Related Cases:

SE-07-09 Ha:San Middle School – 7th Avenue, HC-1 Zone – This was a request to allow an Elementary and Secondary school for a maximum of 90 students to be located on an existing 0.47 acre site. The Zoning Examiner public hearing was held on June 28, 2007. The Zoning Examiner's decision to approve the request was issued on July 7, 2007.

SE-02-06 Enchanted Desert School – Country Club Road, C-1 This was a request to allow a K-8 charter school for a maximum of 200 children to locate in an existing building on .77 acres on the west side of Country Club Road, one-half mile north of Twenty-second Street. The Zoning Examiner public hearing was held on April 11, 2002. The Zoning Examiner's decision to deny the applicant's Special Exception Land Use request was issued on April 18, 2002. The applicant did not appeal the Zoning Examiner's decision and the case has been closed.

SE-02-18 Pima Prevention Partnership – Toole Avenue, I-1 This was a request to allow a 40,000 square foot youth and family services center and a charter high school for children with physical and cognitive disabilities in an existing one-story building on 4.4 acres within an existing industrial subdivision. The subdivision is located on the southeast corner of Third Avenue and Toole Avenue. The Zoning Examiner public hearing was held on August 22, 2002. The Zoning Examiner's decision to approve the request was issued on August 29, 2002.

Applicant's Request – The applicant is proposing to convert an existing pre-school in a church into a K-6 charter school on 5.4 acres, in the R-1 Zone.

Planning Considerations

Land use policy direction for this area is provided by *12th Avenue-Valencia Road Area Plan*. and the City's *General Plan*. The *12th-Valencia* polices encourage the development of child-friendly uses, including schools, and support new development if it is compatible with, and complements the scale, character and identity of the surrounding neighborhood. Site design should demonstrate sensitivity to the surrounding land uses through the use of design, location, orientation, landscaping, screening, and other means. *General Plan* policies promote quality in design, and water conservation.

The Special Exception site is the 5.4-acre Hope Methodist Church parcel, at the southwest corner of Santa Clara Avenue and Calle Medina, near the southwestern edge of the incorporated City area. It is about midway between I-19 to the west, and S. 12th Avenue to the east. Valencia is about ¼ mile to the north, and the Tohono O'odham Nation is about ¾ mile to the south. Tucson International Airport is 1.2 miles to the east.

The site is in the interior of an established, single-family residential neighborhood. It has R-1 zoning, and is surrounded by R-1 zoning on all sides. Existing structures on the parcel include a church building, three auxiliary buildings, a parking lot, and athletic facilities, including a basketball court, a volleyball court, and a baseball field. One of the buildings has been used as a

pre-school facility. The applicant wants to convert this particular one-story building into a charter school. No new buildings or site improvements are planned.

Vehicular access to the special exception site is provided from existing driveways on South Santa Clara Avenue and West Calle Aragon, both of which are local streets. West Valencia Road and South Twelfth Avenue, identified as arterial roadways on the MS&R, are located one-quarter mile north and east, respectively. The intersection of Santa Clara Avenue and West Valencia Road is signalized, providing a safe and direct route to the proposed school site.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) did not provide traffic estimates for the proposed school use. Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – Plan policies support new development, including land use changes, if the proposed changes will complement the scale and character of the surrounding land uses, which, in this case, are low-density single-family residential. The land use impacts of the proposed charter school are expected to be similar to the existing pre-school that has been operating on the site for over 20 years. The pre-school will cease operation at this site, and the charter school will occupy the building.

Approximately 90 children attend the pre-school now, and the enrollment number in the charter school will be similar. There is an internal drop-off area south of the church building, and it appears that all parking and maneuvering can be accommodated onsite. Drop-offs and field trips occur in the early morning, and afternoon pickups are between 3-6 p.m. Based on the information provided, it appears that the proposed charter school will be compatible with the surrounding residential properties.

To minimize impacts on the neighborhood, staff recommends that the enrollment number be capped at 100 children. If, in the future, the school wants to expand its facilities and/or increase enrollment to more than 100 students, staff recommends that another special exception process be required, to ensure compatibility with the neighborhood. If any new outdoor lighting is added, it should be in conformance with the Outdoor Lighting Code, and should be as low in elevation as possible. Outdoor loudspeakers will be prohibited.

Drainage/Grading/Vegetation – A portion of the site lies within the FEMA-mapped 100-year floodplain of El Vado Wash. Building #4, proposed to house the school, does not lie within the floodplain. The other existing buildings lie partly or wholly within the floodplain.

The site lies within the El Vado Wash watershed. Since this is a non-designated watershed, detention is not required. Threshold retention is required if the site imperviousness is increased. The PDP does not indicate an increase in imperviousness. Drainage generally parallels El Vado Wash and flows to the northwest where it then flows down Calle Medina to existing box culverts located beneath I-19.

The PDP does not specify any new landscaping. Should new landscaping areas be created, water harvesting will be required.

Road Improvements/Vehicular Access/Circulation – All of the adjacent streets are local, paved streets having rolled/wedge curbing and a 25 mph speed limit. Most of the site frontage has no sidewalk on the side of the street adjacent to this parcel. There is sidewalk adjacent to the existing parking area. Zoning Review has indicated the current pedestrian access is adequate. Should the school be expanded in the future, sidewalks will be required around the perimeter of the property.

The current configuration of the parking lot does not match the last approved site plan for the church. This is not a negative issue for the approval of the Special Exception, however, it is a zoning issue which must be addressed by the school. The proposed school must provide the required parking and drop-off spaces. Class II bicycle parking must also be provided.

Airport Disclosure - The rezoning site is within the Tucson International Airport public disclosure area and traffic pattern airspace, but not within the City of Tucson Airport Environs Zone. The Tucson Airport Authority (Authority) requires the property owner record the Airport Disclosure Statement form prior to the City's approval of the development plan. The recorded document is to disclose the existence and operational characteristics of the Tucson International Airport to future owners or tenants of the property, and further convey the right to the public to lawfully use the airspace above the property. A copy of the disclosure statement is attached for reference. Once recorded, the property owner is to provide a copy to the Director of Planning with the Airport Authority.

Analysis of LUC Section 3.5.3.7 Performance Criteria

Educational uses in the R-1 zone are subject to the performance criteria of *LUC* Section 3.5.3.7. Initial analysis of the application indicated the proposal does not meet lot size and vehicular access criteria of Section 3.5.3.7. Below, staff has analyzed the proposal against the performance criteria to better understand its intensity and potential land use impacts.

- A. Licensing. If licensing, certification, or similar type of approval is required by the State of Arizona for the use, proof of such licensure, certification or approval shall be provided. Such information shall include the number of students for which the school is approved.

Proof of licensure was submitted with the Special Exception application. The school is approved for 250 students.

- B. Site Area. The minimum required site area in residential zones is (5) acres, unless a greater site area is required under the applicable Development Designator, or the ratio of one thousand four hundred fifty-two (1,452) square feet of site area for each student proposed for the school, whichever is greater, up to a maximum of ten (10) acres for elementary schools. For the purposes of this requirement, the number of students applied in this calculation is the number

for which the school has been approved by the authorizing agency. If a maximum number of students is not stipulated as part of the approval from the authorizing agency, then the number used in the calculation shall be the amount proposed by the applicant...

The calculation for the proposed school is $1452 \times 250 = 363000\text{SF} = 8.33$ acres. The proposal does not meet this criterion, thus the required Special Exception request. If the calculation is done with the proposed, conditioned, maximum 100 students, the result is 3.33 acres are required, substantially less than the existing lot size, and the criterion is met. Should the school be expanded beyond 100 students in the future, lot size can be re-examined as part of a future Special Exception Land Use review.

- C. Hours and Days of Operation. Educational uses within Neighborhood Commercial (NC), or more restrictive zoning are limited in hours of operation to 6:00 a.m. to 7:00 p.m., Monday through Friday only.

The school hours will be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday only, by a condition of the Special Exception.

- D. Outdoor Activity. All outdoor activity shall be held more than fifty (50) feet away from the property line where adjacent to R-3 or more restrictive zoning. The use of loudspeakers, amplifiers, or similar type equipment outdoors is not permitted on the school site within one hundred (100) feet of the property line where adjacent to R-3 or more restrictive zoning.

The playground area also meets the required 50 foot setback. Outdoor loudspeakers are prohibited by condition.

- E. Vehicular and Pedestrian Access. Vehicular and pedestrian access to the educational use site must be from a street designated as a Major Streets and Routes Plan or from a local street other than an internal residential neighborhood street for sites zoned C-1 or more restrictive zoning.

The site is accessed by residential neighborhood streets, therefore the Special Exception is required. TDOT Engineering and Traffic Engineering have no objection to the proposal.

- F. Building Setback. The minimum building setback from all property lines adjacent to R-3 or more restrictive zoning is twenty (20) feet, unless the setback requirements of the applicable Development Designator are greater...

The Development Designator is "CC" which requires a setback of the greater of ten (10) feet, or three-fourths (3/4) the height of the structure. The required setback under this criterion is 20 feet. The proposed school building meets this setback.

In summary, the proposal does not meet the minimum lot size provision, or the vehicular and pedestrian access provision. However, the limitation on the number of students results in a

sufficient lot size for the school, and limits the volume vehicular traffic in the area to that which is similar to the existing pre-school. Staff finds that the proposal satisfies these criteria.

Conclusion – The proposed conversion of a single, auxiliary building on the church property, from a pre-school to a charter school, is compatible with the surrounding residential area, and will contribute to a child-friendly neighborhood environment. This proposal is consistent with and supported by the policy direction in *the 12th Avenue-Valencia Road Area Plan*, and the *General Plan*. Generally, it satisfies the criteria in *LUC* Section 3.5.3.7 when subject to compliance with the attached preliminary conditions. Approval of the special exception request is appropriate.